IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21387 of 2004

Between:

Y.S.Ramdas, S/o Y.Subashchandra Bose,
R/o Qtr No.4/10, CISF Colony, NFC, ECIL Post, Hyderabad

..... PETITIONER

AND

1 The Sr.Commandant, Central Industrial Security Force,
Ministry of Home Affairs, Nuclear Fuel Complex, ECIL Post,
Hyderabad
2 Sri K.K.Sharma, Dy.Commandant, (Enquiry Officer)
Central Industrial Security Force Unit, Nuclear Fuel Complex,

Ministry of Home Affairs,
ECIL Post, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in rejecting the representation, dated 12-11-2004 of the petitioner for change of the Enquiry Officer i.e., 2nd respondent vide proceedings No. V-15014/CISF/NFC/ Adm.IV/RD/2004-6372, dated 13-11-2004 in conducting the enquiry in the charge sheet No.V-15014/CISF/NFC/AdmIV/MAJ-RD/04-5814, dated 8-10-2004 is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the respondent No.1 to change the Enquiry Officer (2nd Respondent)

Counsel for the Petitioner :Mr.J.M.NAIDU

Counsel for the Respondents : MR.I.KOTI REDDY,

S.C.FOR CENTRAL GOVT.

The Court at the stage of admission made the following :

ORDER:

This writ petition has been filed by the petitioner, challenging his representation dated 12-11-2004 to change the Enquiry Officer, which was rejected by the first respondent by its proceedings dated 13-11-2004.

A detailed counter has been filed by the respondents. It is not necessary to mention the pleadings in this writ petition because during the course of hearing of the arguments, it is brought to the notice of this Court by the learned Counsel for the respondents that the Enquiry Officer has conducted the enquiry, and the petitioner also participated in the enquiry and the enquiry report has been submitted to the disciplinary authority, and therefore, the relief cannot be granted at this stage to the petitioner for change of Enquiry Officer. It is also brought to the notice of this Court by the learned counsel for the petitioner Mr. J.M.Naidu, that in pursuance of the Enquiry Officer's report, a show cause notice was issued to the petitioner granting time till 26-01-2005 for giving explanation and the same may be extended for another ten days. So, that the petitioner will submit his explanation and the contentions that were raised in this writ petition may be left open, so that the petitioner can raise all these contentions before the disciplinary authority.

Recording the submissions made by both the counsel appearing for the petitioner and the respondents, the writ petition is disposed of with a direction to the respondents to extend the time by another ten days from today for giving explanation by the petitioner in pursuance of the enquiry report submitted by the second respondent to the first respondent. Thereafter, the contentions raised in this writ petition and as submitted by the learned counsel for the petitioner are left open so as to raise the same before the disciplinary authority. No order as to costs.

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K.C.BHANU, J.

Date: 25-01-2005.

Note:

C.C.in two days.

(B/O)

RNS/KM

To

1 The Sr.Commandant, Central Industrial Security Force,
Ministry of Home Affairs, Nuclear Fuel Complex, ECIL Post,
Hyderabad

2 Sri K.K.Sharma, Dy.Commandant, (Enquiry Officer)
Central Industrial Security Force Unit, Nuclear Fuel Complex,

Ministry of Home Affairs,
ECIL Post, Hyderabad

3 Two CD copies